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Committees
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Families and Human Services VC
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The Jacobs Report

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SEX ABUSE LEGISLATION TO MOVE

Under current law, child victims of sexual abuse have only two years after the alleged mistreatment to sue for damages—or one year after they turn 18 (five years if it involves a relationship with a spouse or dating partner). Abuse survivors say the pain and humiliation inflicted by such crimes often makes it impossible to confront the incident until years later—after the statute of limitations has expired.

Two pieces of legislation in the Michigan Legislature would change that.

Under House Bill 5821, sponsored by Rep. Steve Ehardt (R-Lexington), children who are sexually abused would be given the ability to sue over the incident for 20 years after the time the victim reaches the age of 18. In Senate Bill 1030, sponsored by Sen. Gilda Z. Jacobs (D-Huntington Woods), the statute of limitations would be removed in its entirety. Both bills contain a retroactive clause allowing past victims a two-year window (from the legislation's effective date) to bring forward a suit.

SB 1030 currently sits in the Senate Judiciary Committee chaired by Sen. Alan Cropsey (R-DeWitt). HB 5821 appears headed toward further action in the House after the House Judiciary Committee took testimony on the legislation last week. Committee members seemed supportive of the bill, and Judiciary Chair Rep. Jim Howell (R-St. Charles) said he intends to move the legislation to the full House.

Debate over the issue has heated up in recent years because of various scandals of sexual abuse by members of the clergy—stoked by cover-up efforts of religious leaders. The scandal has particularly rocked the Roman Catholic Church.

In 2001, criminal law was changed to remove the statute of limitations to press charges for first-degree criminal sexual conduct. For second-, third- and fourth-degree criminal sexual conduct, victims have 10 years or until their 21st birthday (whichever is later) to press charges.

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Besides extending the statute of limitations to 20 years, HB 5821 would also apply to suits against institutions, such as churches, in addition to perpetrators.

“What we’re asking for is to just have our day in court,” said Barbara Blaine, president of the Chicago-based Survivors Network of Those Abused by Priests, who called the current two-year statute of limitations “arbitrary.”

Rep. Ehardt said that the current law leaves a huge gap. “We have victims currently that are unable to come forward to have closure in their own life,” he said.

“This legislation recognizes the human need for psychological healing, therapy and counseling,” said Senator Jacobs. “A person needs time in order to make an accurate assessment of the crime’s long-term effects. Several recent high-profile cases demonstrated the need for extending the time necessary to prepare to come forward. My co-sponsors and I are hopeful that this legislation will reduce victims’ trauma by allowing adequate time to heal before legal remedies expire.”

While the Jacobs bill removes the statute of limitations entirely, Mr. Ehardt’s bill is pared back somewhat from earlier legislation he initially considered. That legislation would have contained greater extensions in the criminal statute of limitations among other provisions.

“In Senate Bill 1030, Senator Jacobs is visionary enough to address the issue of retroactivity for all victims,” said Mark J. Powell, National President of The Alliance for the Abused. “House Bill 5821 limits victims to a 24 month window to bring forth a legal action. Even the House sponsor mentioned in testimony [that] this time period is a compromise. We agree instead with Senator Jacobs’ view. Victims’ rights cannot be compromised, for that means child predators are being protected. Once again, Gilda Jacobs has proven she is a strong voice for the voiceless.”

Rep. Howell said he plans to move the bill to the full House, but has concerns about a 20-year statute of limitations and may look for something shorter. He said he would schedule another hearing before a vote is held.

“The stories, of course, of the victims makes you understand the depth of emotions,” he said. “But there are certain reasons why you have a statute of limitations: Witnesses die. Evidence is lost.”

Democratic Vice-Chair Sandy Lipsey, (D-Kalamazo) took a deliberative approach. “A lot of issues are going to have to be negotiated,” he said, “in order to protect the rights of all the parties.”

Opposition to both pieces of legislation will likely come from the Michigan Catholic Conference, who has not yet taken an official position on the bill.

SUMMER BLACKOUT CONCERNS REMAIN

As Michigan approaches the peak electric demand of the summer months, Michigan Public Service Commission (MPSC) Chair J. Peter Lark at a conference sponsored by the Michigan Municipal Electric Association last week focused on actions the MPSC has taken to improve electric reliability in Michigan. Lark said, however, he remains concerned about Michigan’s—

and the nation's—vulnerability to another blackout.

“Since the blackout last year, a major focus of the Michigan Public Service Commission has been to improve electric reliability in Michigan,” said Lark. “The Commission immediately launched an investigation into the blackout and was the first in the nation to issue a comprehensive, state-specific report with recommendations.

“Since then, the MPSC has:

“Ordered utilities to file reports on the status of their transmission and distribution systems, with an emphasis on tree trimming practices;

“Ordered electric utilities, electric cooperatives and alternative electric suppliers to file assessments of their ability to meet customer demand in 2004;

“Adopted tough, new electric service quality and reliability standards; and

“Ordered all electric utilities and transmission companies operating in Michigan to analyze and, if necessary, make operating changes to certain settings to minimize the likelihood of future cascading outages.”

Still needed, said Lark, are mandatory reliability standards passed by the U.S. Congress. “The current voluntary reliability standards are clearly inadequate to protect Michigan or the nation's citizens,” he said. “As we near the peak electric summer season, I remain concerned that Michigan and the nation continue to be vulnerable. The Federal Energy Regulatory Commission (FERC) must be provided with the authority to develop and enforce reliability standards that are mandatory, enforceable and include penalties for noncompliance.”

Lark noted that it appears doubtful that Congress will soon pass the comprehensive energy bill that includes mandatory electric reliability standards or a separate stand-alone bill that deals with the issue in particular.

The MPSC is an agency within the Department of Labor & Economic Growth

All Michigan legislation can be tracked at <http://www.legislature.michigan.gov/>.

State Senator Gilda Jacobs represents the 14th Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

Constituents of the 14th District may contact Senator Jacobs at sengjacobs@senate.michigan.gov or toll-free at 1-888-937-4453.

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